



You and Your Court Appointed Attorney A Client's Guide to Working with an Attorney



A Competent Attorney for Everyone

If you are charged with a crime for which you may be sent to jail, you have the right to have an attorney represent you. If you cannot afford to hire a lawyer, you may request that the Court appoint an attorney to represent you. You will be interviewed to determine your financial eligibility, and if you meet the criteria, you will be assigned an attorney to represent you. You will not have to pay for this attorney if the judge finds that you are not guilty.

A court appointed attorney is a competent attorney, licensed in the Commonwealth of Virginia. He or she will provide you with the same kind of legal advice and service they would provide to any other client charged with the same crime, under the same circumstances.

In Fairfax County, court appointed counsel could be either a Public Defender or a private attorney who accepts court appointments. Court Services (Room 203 of the Courthouse) will tell you who has been assigned to your case. If you are assigned a private attorney, you will be given that attorney's name and phone number. If you are assigned a Public Defender, you need to call the Office of the Public Defender at 703-934-5600 to learn which Public Defender will handle your case. Whether you are assigned a Public Defender or private attorney, it is your responsibility to initiate and maintain contact with that attorney.

How to Work with Your Attorney

- As soon as you are assigned a court-appointed attorney, you should make an initial phone call to schedule a discussion of your case and to ensure that your attorney has your correct phone number and mailing address.
- You and your attorney should strive to develop a productive and professional relationship.
- Because your attorney represents many clients, he or she may not be immediately available when you contact his/her office; however, your attorney will be responsive to you and your concerns.
- If you are in jail, your attorney will contact you within 48 hours of being notified by the Court of his or her appointment to your case.
- Your attorney will assist you in understanding what you are charged with and what needs to be proved for you to be found guilty.
- You and your attorney will review the facts of your case and discuss your available defenses.

- You and your attorney will identify witnesses who have information about your case.
- Your attorney, within the bounds of the law, will exercise professional judgment on your behalf in the defense of your case.
- Communication with your attorney is important in order for your attorney to properly prepare your case.
- You should not discuss your case with anyone other than your attorney.
- You and your attorney may discuss whether plea bargaining is available and whether it is in your best interest.
- In the event your case goes to trial, your attorney will represent you and your interests throughout the trial and sentencing hearing.
- Your attorney will respect your decision to plead guilty or not guilty.
- If you wish to appeal a decision from a lower court, your attorney will assist you, advise you, and will respect your decision to have a jury trial or bench trial.
- You and your attorney must assist each other in understanding all of the facts of the case. The more you help your attorney, the more your attorney can help you.

Fees and Costs

There are costs associated with your defense which include attorney fees and court costs.

If you are found not guilty, all court appointed attorney fees will be paid by the Commonwealth of Virginia.

If you are found guilty, or your case is deferred for dismissal at a later date, court costs and attorney fees will be added to any fine assessed by the judge. Costs cannot be waived or suspended by the judge. Costs are due to the Court on the date of conviction or you may make arrangements with the Clerk's Office if you need additional time to pay. Each level of court has a different fee schedule, which your attorney can discuss with you.

How to File a Complaint

Court appointed attorneys are assigned on a rotating basis; you do not get to select who will be appointed to represent you. However, if you feel that you have a legitimate problem with your assigned attorney, such as that he or she has failed to meet with you, then you may want to file a written complaint with the Court Services Director in Room 203 of the Courthouse. Briefly explain the problem and be sure to include your name, daytime phone number, court date, case number, and the attorney's name. You will be contacted within a few days after a judge has had the opportunity to review your complaint.

Acknowledgements

This brochure was developed by the General District Court Committee of the Fairfax County Bar Association with input from the General District Court, from the Clerk's Office and Court Services Division, and from the court appointed attorneys who practice in Fairfax County.

Parts of this brochure were derived from an educational brochure developed by the Criminal Law Committee of the Prince William County Bar Association, Inc.

This pamphlet is not intended to be legal advice. It is the hope of the Fairfax County Bar Association that it assists you in understanding some of the basic principles governing your relationship with your attorney.

Fairfax County General District Court
4110 Chain Bridge Road
Fairfax, Virginia 22030

For more information, please call:
Criminal Division: 703-246-3305
Traffic Division: 703-246-3764
Fairfax County Court Services: 703-246-7530
Fairfax City Court: 703-385-7866
TTY, for hearing impaired only: 711

www.fairfaxcounty.gov/courts/gendist

or

www.courts.state.va.us

For reasonable ADA accommodations or an alternate format, please contact 703-246-2153.



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